

## **Remarks**

### **Summary**

Claims 6-14 and 17-23 were pending, and all of the claims were rejected in the present Office action. Claims 11 and 20-23 have been cancelled, the subject matter of Claim 11 being incorporated into Claim 6. The specification has been amended to correct a minor informality. No new matter has been added as a result of this amendment. Claims 6-10, 12-14 and 17-19 are pending after entry of this amendment. The Applicants respectfully submit that the amendments to the claims and specification overcome the present rejections and objections and place the application in condition for allowance.

### **Objection to Specification and Drawings**

The Examiner has objected to the disclosure on the basis of a minor informality. The specification has been amended to obviate the objection. The Applicants express appreciation to the Examiner for calling attention to the typographical error.

The drawings were objected to under 37 C.F.R. § 121(d) as not showing every feature of the invention specified in the claims. The Applicants respectfully traverse this objection and respectfully request that it be withdrawn. Claim 6 recites, *inter alia*, a reflective layer formed on the first substrate and a color filter layer formed on the reflective layer. A non-limiting example of a structure meeting these claim elements and limitations may be found in Fig. 2, for example, where the reflector 17, color filter layer 16, and the substrate 11 are shown. As such, the requirements for illustrating the features claimed have been satisfied without amendment of the drawings, and the objection should be withdrawn.

### **Rejection of Claims under 35 U.S.C. §112, second paragraph**

Claim 21 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 20-23 have been cancelled, obviating the rejection.

### **Rejection of Claims under 35 U.S.C. §103(a)**

Claims 6-14 and 17-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA), Fig. 7, in view of Kurauchi et al. (US 5,917, 572; "Kurauchi"). The Applicants believe that the rejection can be traversed, however, in the interests of expediting the allowance of the application, have amended Claim 6 to further describe the subject matter claimed. The subject matter of now cancelled Claim 11 has been incorporated into Claim 6

Amended Claim 6 recites, *inter alia*, the portion of the color filter layer outside the effective display area that has the color layers stacked thereon does not contact the second substrate, and the stacked color are layers separated from the second substrate by the liquid crystal layer.

The Examiner asserts that Karauchi teaches "a stacked color filter (204).....wherein such color filter layer does not contact an opposed substrate (substrate 181)." These elements are found in Fig. 22 of Karauchi and discussed at col 17, beginning at line 26, as the tenth embodiment of the reference. Fig. 22 is ambiguous. The space between gate line (183) and pillar-shaped spacer (204) is either part of the insulating film (184) or the aligning film (190), but one cannot assert that is specifically one or the other. To the extent that a reference is ambiguous, it cannot be used to make out a *prima facie* case of obviousness. (In re Turlay, 304 F.2d 893, 899 134 USPQ 355, 360(CCPA 1962)).

The liquid crystal layer (40) in Fig. 22 is disposed between the aligning film (190) of the first substrate (181) and the common electrode (203) of the second substrate (201), except in the region of the pillar-shaped spacer (204), which the Examiner has identified as a stacked color filter. The aligning film (190) extends along the vertical sides of the pillar-shaped spacer so that it is interposed between the liquid crystal layer (40) and the pillar-shaped spacer (204), and the pillar-shaped spacer (204) is not separated from the second substrate (201) by the liquid crystal layer (40).

Thus the combination of the AAPA and Karauchi does not teach or suggest the arrangement of amended Claim 6, where the stacked color layers are separated from the second substrate by the liquid crystal layer, and the claim is thus not obvious and is allowable. Claims 7-10, 12-14 and 17-19 are claims dependent on an allowable base claim and are allowable, without more.

Further, with respect to Claims 7-10, 12-14 and 17-19, the Applicants respectfully submit that as the Examiner has not specifically addressed the rejection of each of the claims, by citing the aspects of the references that the Examiner believes warrant the rejections, a *prima facie* case of obviousness has not been made out in each instance, and the claims are allowable. Should the Examiner intend to reject these claims, the Applicants respectfully request that the finality of the Office action be withdrawn so that the Applicants are properly afforded an opportunity to reply.

### Conclusion

The Applicants respectfully submit that all of the pending claims are in condition for allowance. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,



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